

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

a SB950
2
A115P4



U.S.D.A. - Forest Service • State & Private Forestry - Northeastern Area • Broomall, Pennsylvania

Vol. 2.

MARCH 1979

FIFRA AMENDMENTS

A Notice in the Federal Register for Friday, January 19, summarizes the new amendments to FIFRA (the amendments are also known as the Federal Pesticide Act of 1978.) The Notice is replete with useful information and explains EPA's general plan and timing for implementing the amendments. Most of the amendments will affect us in one way or another. Highlights of some of the more pertinent issues follow.

Pesticide Cancellation - The EPA is now REQUIRED to consider restriction of a pesticide as an alternative to cancellation. This is an important addition to the law since, in the past, EPA philosophy was to seek cancellation when they determined that an imminent hazard existed. They were not required to find alternative solutions to the problem. Perhaps safe uses of some cancelled pesticides would be available today had EPA, in 1972, considered pesticide "restriction" as an alternative to cancellation.

Pesticide Registration - EPA intends to simplify the registration process by developing a system based on "generic pesticide standards." With this system, pesticides will be registered collectively by technical active ingredients rather than individually by formulated product. This system will take 10-15 years to complete. Meanwhile, pesticides will be given "Conditional Registration." That is, a product will be conditionally registered until the "generic standard" for its active ingredient is developed. These procedures will shorten the registration process and improve availability of pesticides for forest use.

Efficacy Data - The new law allows EPA to waive registration requirements for efficacy data. This is a major "deregulation" action in which EPA will no longer be concerned about whether a pesticide will be effective or do all the things that the manufacturer claims. The Agency intends to operate "generally" on a policy of requiring efficacy data only in those cases in which human health impact may result from the ineffectiveness of a product, e.g., drinking water sanitizers, swimming pool disinfectants; and disease vector control agents such as rodenticides, etc.

Minor Uses - EPA will issue a general policy statement next month on various aspects of the "minor use" problem. This is the problem resulting from industry's inability or unwillingness to take on the enormous expense of registering a pesticide for which only limited markets exist. Many of our forestry uses fall into this category.

REBUTTABLE PRESUMPTION AGAINST REGISTRATION (RPAR)

As pesticide chemicals are moved through the RPAR process, EPA will be referring to their review status in terms of Position Documents, e.g. PD #1, PD #2/3, and PD #4. These numbers have caused confusion in the past.

PD #1 is a statement of the Agency's position following its evaluation of the risk criteria that triggered the review in the first place. The Agency's position may be to issue an RPAR. An RPAR notice will then be published in the Federal Register along with the position document.

PD #2/3 (PD #2 and PD #3 have been combined into one document to expedite the process) is a statement by EPA of its position and proposed regulatory action based on the analysis of all rebuttal and risk/benefit information. The entire document is not published in the Federal Register but is available from the EPA upon request.

PD #4 is a statement of the Agency's final decision on the resolution of the RPAR. It is published in the Federal Register along with an evaluation of the comments from USDA and other interested parties.

+++

Since our last newsletter, there have been a few developments in the RPAR status of chemicals important to us. The information we have at this time is:

Dimilin - This product has not been RPARED but we are expecting PD #1 and PD #2/3 (proposed decision) before June of this year.

Carbaryl - PD #1 is still being prepared. We are still not sure that Carbaryl will be RPARED.

Endrin - A final decision (PD #4) on endrin is expected to be published in the Federal Register before June.

2,4,5-T - PD #2/3 will not be completed before April. The position document will include a report on 2,4,5-T prepared by the USDA/EPA RPAR Assessment Team. This report was submitted to EPA on February 14. A final decision (PD #4) is not expected before June. Regardless of the decision, the ultimate fate of 2,4,5-T will be determined in the courts.

Chlorobenzilate - PD #4 appeared in the Federal Register on February 13, 1979 concluding the RPAR for this chemical. Chlorobenzilate is not important to us; however, it is the first chemical to have completed the RPAR process. It was RPARED almost three years ago.

Inorganic Arsenicals - PD #1 comment period closed on February 12. PD #2/3 is now being prepared. The Society of American Wood Preservers recently requested EPA to withdraw its RPAR notice covering inorganic arsenicals. The society thinks the RPAR is based on unsubstantiated claims rather than "validated tests or other significant evidence" as required by the new amendments. The request was denied by EPA on February 2. The enforcement agency recognizes there are no validated tests to support the RPAR, but considers its estimates and information on exposure data to be in the category of "other significant evidence."

PRODUCT AVAILABILITY

A new pelletized herbicide, Velpar Gridball Brush Killer (EPA #352-387), is approved by EPA to control undesirable woody plants in "non-cropland areas" east of the Mississippi. When the pellets are dissolved by water, the herbicide leaches into the root zone of woody plants. Gridball controls dogwood, cherry, elm, hawthorn, and hickory, as well as many oaks and other hard-to-kill species. Even though the product is registered with a non-crop label, the manufacturer (Dupont) says most sales efforts in 1979 are expected to be in the forestry market under state 24(c) labels. Environmental Quality Evaluation staff (EQE) can assist in obtaining State labels if requested.

Another Dupont product, Velpar Weed Killer (EPA #352-378) is available for control of certain weeds in Christmas tree plantations and reforestation areas where Scotch Pine, Douglas Fir, Loblolly Pine, Austrian Pine, Grand Fir, Sitka Spruce, and Ponderosa Pine are grown. The herbicide should not be used in nurseries, seedbeds or on ornamental plantings.

++

Some of our nurseries are unable to find supplies of thiram registered as a bird repellent to protect coniferous seeds. They were using Dupont's Arasan 42S (EPA #352-240). The chemical is now being marketed under the name TERSAN 42-S by Hopkins Agricultural Chemical Company. Their address and telephone number is:

Hopkins Agricultural Chemical Company
Manufacturing Division
Box 7532
Madison, WI 53701
(608) 222-0624

2,4,5-T

EPA plans to take a tougher enforcement stance on 2,4,5-T misuse, especially with regard to 2,4,5-T residues found in water. Label cautions on 2,4,5-T products state "Do not contaminate irrigation ditches or water used for domestic purposes. Keep out of lakes, streams, and ponds. Do not apply where runoff is likely to occur."

In a recent letter to EPA, the Chief of the USDA Forest Service explained that it is not possible to avoid some contamination of water during normal application procedures. Inadvertently, ephemeral streams and wetland areas existing beneath forested areas will receive some pesticide. EPA responded by saying that such instances might be considered violations. However, this was cushioned by adding that EPA anticipated no problems if USDA officials take necessary precautions in their spray program.

Enforcement staff at EPA Regional Offices were recently directed to investigate known or suspected instances of 2,4,5-T misuse and to take enforcement actions against violations.

USDA - PESTICIDE POLICY & 2,4,5-T

Recent policy directives from the Chief of the USDA Forest Service emphasize the need to develop, practice, and encourage the use of Integrated Pest Management (IPM). The directives are clear and provide that pesticides may be used in operational projects only after consideration of alternatives demonstrates that the use of pesticides is essential to meet management goals.

Included in the Chief's directives are policy statements specifically addressing the use of the herbicide 2,4,5-T and related compounds containing the dioxin contaminant TCDD.

These chemicals may be used only where no other environmentally acceptable and economically feasible alternatives (chemical or non-chemical) are registered and available. When a decision is made to use these pesticides, the Assistant Secretary for Conservation, Research and Education must review the decision prior to implementation.

One of the Chief's policy statements requires that employees be provided certain information about possible risks associated with use or exposure to 2,4,5-T and its related compounds. This risk information must also be made available to the employees of contractors. The policy further requires that women of childbearing age certify that they have read and understand the risk information.

The risk information is now included as an Exhibit in the Forest Service Manual under Chapter 2140.

RESTRICTED USE PESTICIDES

EPA uses two systems to classify pesticides for restricted use. One system classifies groups of products by simply making an announcement in the Federal Register. This is called "Classification by Regulation." The other system classifies individual pesticide products as they pass through the normal registration/reregistration process.

Groups of products representing 23 active ingredients have already been classified by Regulation (see list in Pesticide Quarterly #1). EPA now identifies 14 additional pesticide active ingredients intended to be classified as restricted use compounds. They are:

Carbofuran ("Furadan")	Fenamiphos ("Nemacur")
Chlorfenvinphos ("Birlane")	Fensulfothion ("Dasanit")
Clonitralid ("Bayluscide" molluscicide)	Fonofos ("Dyfonate")
Dioxathion ("Delnav")	Monocrotophos ("Azodrin")
Disulfoton ("Di-Syston")	Phorate ("Thimet")
Endosulfan ("Thiodan")	Phosacetim ("Gophacide")
Ethoprop ("Mocap")	Phosphamidon ("Dimecron")

Recently EPA classified 11 individual pesticide products for restricted use via the normal registration process. None of these 11 are of particular interest us. On the other hand, Dimilin, which was restricted earlier (via registration) deserves comment.

Dimilin is restricted "For Retail Sale and Application Only by Personnel Involved in Federal or State Pest Management Program or Persons Under Their Supervision." It is registered to protect "hardwood forest trees" from defoliation by the gypsy moth. According to EPA Enforcement Division, this means that Dimilin cannot be applied to residential areas. EPA bases this restriction on its definition of a "forest" (40 CFR 171.2):

"...a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns."

A NEW PUBLICATION

"Methods for Sampling and Assessing Deposits of Insecticide Sprays Released Over Forests"(USDA Technical Bulletin No. 1596) contains 162 pages of information on: field procedures for deposit sampling; field assessment methods; laboratory analysis methods; sampling equipment; etc. Requests for single copies will be filled by EQE on a first request basis as long as our supply lasts. Copies are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC.

Where trade names are use, no discrimination is intended and no endorsement by the USDA - Forest Service is implied.

